



COMMUNICATIONS
SECTION

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Gerd HOERANSDOERFER

Appln. No.: 09/605,261

Group Art Unit: 3738

Filed: June 28, 2000

Examiner: Phan, Hieu

For: HOBBLE TURNING METHOD AND PREFERRED
APPLICATIONS FOR SAID METHOD

Attorney Docket No.: 3698.008

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RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

The following is responsive to the Restriction Requirement
of February 11, 2002, setting a one-month period for response.

Written Restriction Requirement

The Examiner poses a two way written Restriction Requirement
requiring Applicant to elect for prosecution from either:

- Group I - Claims 1-22 (drawn to lathing process); or
- Group II- Claims 23-26 (drawn to hip joint socket).

In response, Applicants electing Group II, with traverse.

The inventions are related - Group I is directed to a method
for making an article such as a hip-joint socket (claim 17), and
Group II is directed to the product of the process, namely, a hip
joint socket.

If the Examiner is willing to withdraw the Restriction

Requirement, then Applicants will hereby expressly admit that if the hip joint socket is obvious, then the lathing process would also be obvious.

Pursuant to MPEP §803, if there is an express admission that the claimed inventions are obvious over each other within the meaning of 35 U.S.C. 103, restriction should not be required, *In re Lee*, 199 USPQ 108 (Deputy Asst. Comm'r. for Pats 1978).

Further, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. In the present case, the Examiner would have to search classes to lathing processes for production of the hip joint socket in the search for the hip joint socket, and thus it is respectfully submitted that examination of both sets of claims would not pose a serious burden on the Examiner.

Accordingly, since a search for the subject matter of claims 1-22 could be carried out concomitantly with the search for the hip joint socket of claims 23-26, it is respectfully submitted that all claims are based on a common hip joint socket. It is respectfully submitted that where the hip joint socket is novel, a process for the production of the hip joint socket may be examined in the same application as part of the same invention.

Applicants believe that once the novelty of the hip joint socket is established by the search/examination procedure, both the hip joint socket claims (Group - II) and the process for production (Group - I) are cognate and should qualify for patentability in the same application.

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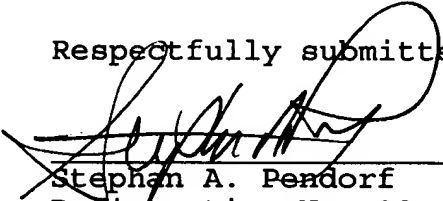
U.S. Application No. 09/605,261
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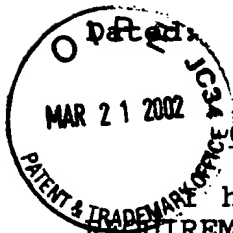
Favorable consideration is respectfully requested.

Respectfully submitted,

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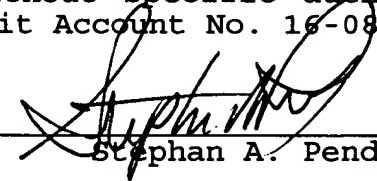
Patented March 11, 2002



CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing RESPONSE TO RESTRICTION REQUIREMENT for U.S. Application No. 09/605,261 filed June 28, 2000, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on March 11, 2002.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.


Stephan A. Pendorf

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